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6 **UNITED STATES DISTRICT COURT**  
7 **WESTERN DISTRICT OF WASHINGTON**  
8 **AT SEATTLE**

9 MIGUEL GOMEZ CERVANTES,

10 Petitioner,

11 v.

12 NATHALIE ASHER,<sup>1</sup> Seattle Field Office  
13 Director, United States Immigration and  
Customs Enforcement, *et al.*,

14 Respondents.  
15

Case No. C10-1439-RSM

ORDER OF DISMISSAL

16 The Court, having reviewed petitioner's amended petition for writ of habeas corpus, Dkt.  
17 20, respondents' motion to dismiss, Dkt. 23, the Report and Recommendation of the Honorable  
18 James P. Donohue, United States Magistrate Judge, and any objections or responses to that, and  
19 the remaining record, finds and Orders as follows:

- 20 1. The Court adopts the Report and Recommendation;  
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22 2. Petitioner's amended petition for writ of habeas corpus, Dkt. 20, is DENIED;  
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24 <sup>1</sup> Pursuant to Federal Rule of Civil Procedure 25(d), Nathalie Asher is automatically  
25 substituted for former Acting Field Office Director Jack Bennett as a respondent in this case.  
26 Fed. R. Civ. P. 25(d).

1 3. Respondents' motion to dismiss, Dkt. 23, is GRANTED, and this action is  
2 DISMISSED with prejudice;

3 4. The previous temporary stay of removal issued by the Court, Dkt. 3, is VACATED;  
4 and

5 5. The Clerk shall send a copy of this Order to the parties and to Judge Donohue.

6 DATED this 9 day of November 2011.  
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10 RICARDO S. MARTINEZ  
11 UNITED STATES DISTRICT JUDGE  
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